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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 08-00153 DLJ
12)
Plaintiff,) ADDENDUM TO SENTENCING
13) MEMORANDUM
14 v.)
15) Date: August 1, 2008
16 JOSE LUIS OCHOA-GUTIERREZ,) Time: 10:00 a.m.
Courtroom: Honorable D. Lowell
17 Defendant.) Jensen

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19 Jose Luis Ochoa-Gutierrez has previously submitted a sentencing memorandum which
20 included several letters from his family. Attached as Exhibit D is an additional letter of support sent
21 by Mr. Ochoa-Gutierrez' cousin, Gaby Gutierrez.

22 Respectfully submitted,

23 Dated: July 31, 2008

/S/

24 COLLEEN MARTIN

25 Attorney for Defendant Jose Luis Ochoa-Gutierrez
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Exhibit D

To: The Honorable D. Lowell Jensen
with regards to: Jose Ochoa ULL836

Dear Judge,

I know that my letter will be only one among many others. I know, that by the time you get to mine, you'll be tired of reading endless letters. Letters filled with impossible descriptions of the people whose fates have been given to you to determine. But still I ask you to take the time to read this letter, because it contains the truth. Justice is a decision based off of the truth, a decision you are expected to make. So Judge, won't you listen?

I've known my cousin since I was very young. My first memories are of my birthday parties over at my aunts house, with him always in the background. But I'll be honest, even though I knew him; I didn't really know him. The thoughts behind

his soft smile were a mystery to me. They still are. He is a shy person. Oh, so painfully shy. I remember that everytime we came over, he would greet each of us, even the youngest, by name; with a smile, before simply melting into the background. I think he liked it better there. But, as shy as he was, he was kind. He is the kind of person whom you immediately know you can trust; you can talk to.

He is incredibly loyal to his family, all of it. It seems he's always around to lend a helping hand. Helping my cousin with the cooking, taking my aunt to the store. He's always there, he's always caring. I remember once, when he missed my first communion. I ^{was} sad that so many people hadn't come. Had simply not cared enough to join me on that day. I thought he was one of them too.

But then I got a package in the mail, and it had his name on it. Inside, there was a jewelry box, cratted entirely of toothpicks, with my name carved onto the side. The time it must have taken him, to set those toothpicks, oh so carefully, holding them steady until the glue dried, for however many it took to make the box. But he cared enough to make this for me, he cared. He was the only one to apologize for missing my communion.

My cousin, ... he is quiet, but such a hard worker. He is the first one to offer his help when anyone is in need of it. He places others above himself, which is why, even as his own fate is sealed, he won't be thinking of himself, but of his parents.

My aunt and uncle have had numerous health problems in the past few years.

My uncle had an accident at work, and is, as a result, unable to work. My aunt has a weak heart. She has had two heart attacks in the past year, and is in an unstable condition even now. If my cousins were sent to Mexico, my aunt would worry endlessly. Pepe has no family there, no jobs, and no future. Such a burden would prove hazardous to my aunt's health, as both of the previous attacks have been triggered by stress.

So, Judge, I pray that you take into consideration all that I have said, and that you judge my cousins not as just another prisoner, but as a person. Kind and strong, yes, but also just as capable of making mistakes as the rest of us.

Thanks for listening,

Gaby Gutierrez